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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,478	05/29/2001	Kunihiro Tabuchi	P107390-00005	4389

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EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/03/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,478

Applicant(s)

TABUCHI, KUNIHIRO

Examiner

Cheryl N Hawkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 0403.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1,2 and 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: "cutter" in line 4 of the claim should be marked --cutter--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majkrzak (US 6,294,038) in view of Chiang et al. (US 3,956,223). Majkrzak discloses a label-pasting device (Figures 2a and 2b) comprising an adhesive applier (adhesive coating unit 118) for applying pressure-sensitive adhesive (column 14, line 45) to a label-material sheet composed of only label material (label material 104); a die cutter (die cutting application unit 124) for cutting out labels from the label-material sheet with a hot melt adhesive; and a label paster (vacuum transfer 128) for pasting the cut-out labels on a packing sheet (temporary carrier material 106). Majkrzak is silent as to the hot melt adhesive being a pressure sensitive adhesive. It is well known and conventional in the labeling art, as disclosed by Chiang et al. (column 1, lines 5-9), to utilize hot-melt pressure-sensitive adhesive to provide labels with sticky backings. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to use a conventionally known pressure-sensitive hot melt adhesive on the labels of Majkrzak to provide the labels with a sticky backing that is easily adhered to objects upon the application of pressure such as that of the label paster.

As to Claim 5, Majkrzak discloses a label-pasting device (Figures 2b) in which an anvil roller (vacuum transfer 128) constituting the die cutter serves as the label paster too; and the anvil roller is disposed so as to be rotatable in contact with a running surface of the packing sheet (temporary carrier material 106) and provided with a vacuum mechanism which sucks each cut-out label onto the periphery of the anvil roller unit the label is pasted on the packing sheet (column 14, lines 50-55).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majkrzak (US 6,294,038) and Chiang et al. (US 3,956,223) as applied to claim 3 above, and further in view of Suzuki et al. (US 4,992,125). Majkrzak discloses a label-pasting device in which the adhesive applier and the die cutter are synchronized (Figure 2a and 2b; adhesive coating unit 118, die cutting application unit 124) and the adhesive applier applies pressure-sensitive adhesive which is hot melt adhesive (column 14, line 45). Majkrzak is silent as to applying the pressure-sensitive adhesive to an area within the outline of, and smaller than, each cut portion of the sheet material to be cut out by the cutter. Suzuki et al. discloses a laminating device which includes a nozzle-type adhesive applicator (Figure 1, adhesive applicator 4) for applying a hot-melt adhesive (column 2, lines 62-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the label-pasting device of Majkrzak to include a nozzle-

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type adhesive applicator such as that disclosed by Suzuki et al. to provide the cut-out labels with adhesive. It is noted that the a nozzle-type adhesive applicator is capable of applying pressure-sensitive adhesive to an area within the outline of, and smaller than, each cut portion of the sheet material to be cut out by the cutter.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majkrzak (US 6,94,038) and Chiang et al. (US 3,956,223) as applied to claim 3 above, and further in view of Ahr (US 5,837,087). Majkrzak does not disclose a laminating apparatus which includes a vacuum belt being laid around a small diameter roller and a large diameter roller nor a pair of pressure rollers. Ahr discloses a laminating apparatus which includes a vacuum belt unit disposed on the exit side of a cutter (Figure 1, cutter 36), the vacuum belt unit including a small-diameter roller disposed close to the exit of the cutter (Figure 1, vacuum conveyor belt 40); a large-diameter roller which is disposed so as to be in contact with the packing sheet and provided with a vacuum mechanism (Figure 1, rotatable roller 42); a vacuum belt which is laid around the small-diameter roller and the large-diameter roller and has many ventholes (Figure 1, connection 41; column 4, lines 45-56); and a pair of pressing rollers which are disposed on the downstream side of the large-diameter roller to press each cut portion of sheet material onto the running web (Figure 1, compression rollers 71). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Majkrzak to include a vacuum belt being laid around a small diameter roller and a large diameter roller as suggested by Ahr to insure that the labels remain secure and positioned in an orderly fashion on the conveying belt until their removal and placement on the packing sheet.

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5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (US 5,674,345) in view of Suzuki et al. (US 4,992,125) and Parrish et al. (US 6,494,244). Nash discloses a labeling apparatus for applying pressure-sensitive adhesive labels (column 3, lines 18-30) which includes a rotatable cutter (Figure 1, cutting cylinder 26) for cutting labels (Figure 2, labels 24) from a label sheet material (Figure 1, label tap 11) with pressure-sensitive adhesive and a label applicator for applying the cut labels on the running surface of an envelope. It is noted that the laminating device of Nash is capable of cutting and pasting labels onto a packing sheet. Nash does not disclose an adhesive applicator. Suzuki et al. discloses a laminating apparatus which includes an adhesive applicator (Figure 1, adhesive applicator 4) for applying pressure-sensitive adhesive to a sheet material prior to cutting. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the labeling apparatus of Nash to include an adhesive applicator for applying pressure-sensitive adhesive as suggested by Suzuki et al. to create linerless labels by utilizing a plain paper sheet material and subsequently applying adhesive. Nash does not disclose a die cutter. Parrish et al. discloses a laminating apparatus which utilizes a die cutter (Figure 2, rotary cutter 32; column 2, lines 39-42; column 7, lines 45-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Nash to include a die cutter as suggested by Parrish et al. to provide cut labels in a variety of shapes.

As to Claim 6, Nash discloses a labeling apparatus which includes an anvil roller (Figure 1, anvil cylinder 21) which is separated from the running surface of an envelope and a conveying belt (Figure 1, transport mechanism 30) which is disposed between the anvil roller and the top

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surface of the envelope and carries each label received from the anvil roller in the running direction of the envelope to insure that the labels stay in place until it is desired to remove them and place them onto envelopes (column 4, lines 12-49). Nash discloses a labeling apparatus having pressing rollers which are disposed on the downstream side of the conveying belt and pressing each label onto an envelope, but Nash does not disclose a labeling apparatus having a pressing belt for pressing each label onto an envelope. Suzuki et al. discloses a laminating apparatus which includes a pressing belt which is disposed on the downstream side of the anvil roll to press and maintain close contact between each cut portion of sheet material and an indefinite-length web (column 3, line 65 through column 4, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the pressing rollers disclosed by Nash with a pressing belt as disclosed by Suzuki et al. to provide for good label adherence by prolonging close contact between the cut labels and the envelopes to which they are being applied.

Response to Arguments

6. In response to the applicant's amendment to Claim 6, the rejection of Claim 6 under 35 USC § 112, second paragraph, has been withdrawn.

7. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection. The newly provided reference of Majkrzak discloses a label-pasting device comprising an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material; a die cutter for cutting out labels from the

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label-material sheet with pressure-sensitive adhesive; and a label paster for pasting the cut-out labels on a packing sheet.

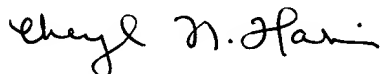
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

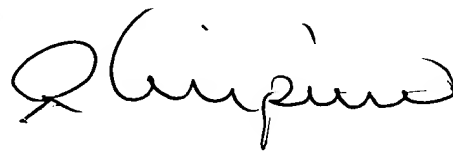
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins



August 25, 2003



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700